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PETER MAGGIORE
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 15, 2002

Dr. John C. Browne, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. Everett Trollinger, Project Manager
Office of Los Alamos Site Operations
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

RE: NOTICE OF TECHNICAL INCOMPLETENESS - VOLUNTARY CORRECTIVE MEASURES (VCM) PLAN FOR SOLID WASTE MANAGEMENT UNIT (SWMU) 21-011(k).

Dear Dr. Browne and Mr. Trollinger:

The Hazardous Waste Bureau of the New Mexico Environment Department (NMED) has received Los Alamos National Laboratory's (LANL) VCM report titled "Voluntary Corrective Measures Plan for Solid Waste Management Unit 21-011(k) at Technical Area 21," dated April 2002 and referenced by LA-UR-02-2218 and ER2002-0253. NMED has reviewed the VCM Plan for SWMU 21-011(k) and found the report to be technically deficient.

NMED sent electronic comments (to be used to revise the VCM Plan) to Mr. John Hopkins (LANL ER) on May 7, 2002. NMED met with LANL ER staff on May 8, 2002 to discuss the technical deficiencies and a schedule for submittal of a modified VCM Plan for the site. NMED sent a record of communication to LANL ER staff on May 8, 2002 to document the new deadline of July 1, 2002 for submittal of the revised VCM Plan. Key elements for inclusion in the revised VCM Plan include items listed in the electronic comments and the elements outlined briefly below.



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- All maps displaying data using a color scale must be submitted in color and contain a scale, key, outfall location, SWMU boundary, and location of stream channel (if appropriate).
- Analytical results for historical investigation activities, not previously submitted to NMED, used to make decisions at the site must be included.
- Terms such as “hot spots,” “highly contaminated,” and “short-lived” must be clearly defined.
- Explain potential impacts the January 2001 accidental release may have had on the Chemrad (July 2001) and the in-situ gamma surveys (November 2000) and include analytical results or waste characterization data, if available.
- Provide data and supporting information for the technology evaluation. All information used to make a decision should be included in the report and available to the general public for review.
- Samples collected to support the bench-scale study were not maintained under chain of custody. Provide chain of custody, a plan for resampling, or explanation of why the sample results obtained for the bench-scale testing should be considered valid.
- A detailed description on the selected remedial approach.
- A detailed description regarding the engineered cover design and construction.
- Ecological risk at the site is not addressed in the VCM plan. LANL must assess ecological risk from uptake of residual contaminants through plants into the food chain using either LANL ESLs for contaminants or sampling results from vegetation removed from the site.
- The risk assessment section (currently Appendix F) and the “Basis for Cleanup Levels” (currently Section 3.0) must be revised to include; estimates of excess risk corresponding to the estimated doses; the excess risk estimated for a 30 year exposure for the trail user and for the residential scenario; and basis of the calculation for the exposure through the trail user scenario (for example, how the number of hours of exposure were derived). In addition, an estimate of dose and risk over time for a residential receptor based on the starting residual level of contaminants in soil being equivalent to the target goals, and

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demonstrating how many years would be required for the risk to reach the NFA criteria of 10^{-5} excess risk for a residential receptor without relying on protection from a cap; and clarify whether the target goals proposed will be compared to the maximum concentrations of contaminants at the site or the 95% UCL of the mean concentration for each contaminants.

The submittal deadline to NMED for the VCM Plan was April 19, 2002, however, LANL did not meet the report submittal deadline or provide prior notification to NMED. LANL submitted the VCM Plan to NMED on April 22, 2002. The revised VCM Plan must be submitted to NMED by July 1, 2002. NMED will not grant an additional extension of time for submittal of the revised VCM Plan.

If you have any questions or concerns regarding this technical incompleteness determination, or require additional clarification regarding content of the revised plan, please Vickie Maranville at (505) 428-2546.

Sincerely,



John Young
LANL Corrective Action Project Leader
Permits Management Program

JRY:vm

cc: D. Cobrain, NMED HWB
J. Davis, NMED SWQB
K. Olson, NMED HWB
J. Parker, NMED DOE OB
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File: Reading and HSWA LANL TA-21 (SWMU 21-011(k) outfall)